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13 Lamps Plus, Inc., Lamps Plus Centennial,
14 Inc., Lamps Plus Holdings, Inc.

15 UNITED STATES DISTRICT COURT

16 CENTRAL DISTRICT OF CALIFORNIA, WESTERN DIVISION

17 FRANK VARELA, on behalf of himself
18 and all others similarly situated,

19 Plaintiff,

20 vs.

21 LAMPS PLUS, INC., LAMPS PLUS
22 CENTENNIAL, INC., LAMPS PLUS
23 HOLDINGS, INC., and Does 1 through 10,
inclusive,

24 Defendants.

25 Case No. 5:16-cv-00577-DMG

26 Hon. Dolly M. Gee

27 **LAMP PLUS'S NOTICE OF MOTION AND
28 MOTION TO COMPEL ARBITRATION ON
AN INDIVIDUAL BASIS AND, IN THE
ALTERNATIVE, A RULE 12(B)(6)
MOTION TO DISMISS**

29 Filed concurrently with the
30 Memorandum of Points and Authorities,
31 the Declaration of Lamps Plus's HR
32 director Lucenda Jo Beeson, and the
33 Proposed Order

34 Date: July 1, 2016
35 Time: 9:30 a.m.
36 Courtroom: 7

**NOTICE OF MOTION AND MOTION TO COMPEL ARBITRATION ON AN INDIVIDUAL
BASIS AND, IN THE ALTERNATIVE, MOTION TO DISMISS**

Please Take Notice that on July 1, 2016, or as soon thereafter as the matter may be heard in Courtroom 7 of the United States Courthouse, located at 312 North Spring Street, Los Angeles, California, Defendants Lamps Plus, Inc., Lamps Plus Centennial, Inc., and Lamps Plus Holdings, Inc (“Lamps Plus”) will, and hereby does, move the Court under the Federal Arbitration act (“FAA”), 9 U.S.C. § 2 et seq., for an order compelling Plaintiff Frank Varela to arbitrate on an individual basis according to the terms of Lamp Plus’s Arbitration Agreement.

In the alternative, Lamps Plus moves under Federal Rule of Civil Procedure 12(b)(6) to dismiss the Complaint on the grounds that Plaintiff has failed to state a claim upon which relief may be granted.

This motion is based on this Notice, the Memorandum of Points and Authorities, the Declaration of Lamps Plus's HR Director Lucenda Jo Beeson, and all other facts the Court may or should take notice of, all files, records, and proceedings in this case, and any oral argument the Court may entertain.

This motion is made following the May 23, 2016 conference of counsel per the Court's Standing Order and L.R. 7-3 during which the parties discussed at length the issues and arguments raised in this motion to compel arbitration and, in the alternative, motion to dismiss. Counsel telephonically met and conferred again on May 24. Despite a significant amount of effort by both parties, no agreement could be reached.

Dated: May 31, 2016

LEWIS BRISBOIS BISGAARD & SMITH LLP

By:

Eric Y. Kizirian
Attorneys for Defendants
Lamps Plus, Inc., Lamps Plus Centennial,
Inc., and Lamps Plus Holdings, Inc.